

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

| | | |
|------------------------|---|----------------|
| DONALD GRIFFITH, | : | |
| | : | CIVIL ACTION |
| Petitioner | : | |
| | : | |
| vs. | : | NO. 19-CV-2400 |
| | : | |
| COMMONWEALTH OF | : | |
| PENNSYLVANIA, et. al., | : | |
| | : | |
| Respondents | : | |

ORDER

AND NOW, this 27th day of August, 2021, upon careful consideration of prose Petitioner Donald Griffith's Petition Under 28 U.S.C. §2254 for Writ of Habeas Corpus by a Person in State Custody, Respondents' Response in Opposition and after review of the thorough Report and Recommendation of United States Magistrate Judge Henry S. Perkin issued on May 12, 2021, it is ORDERED:

1. The Report and Recommendation (Doc. No. 14) is APPROVED and ADOPTED;
2. The Petition for Writ of Habeas Corpus is DENIED with prejudice and DISMISSED without an evidentiary hearing;
3. Petitioner having failed to make a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. §2253(c)(3), a certificate of appealability shall not issue¹; and

¹ Petitioner has filed no objections to the Report and Recommendation despite having had two extensions of time within which to do so, the last of which expired on August 15. Regardless, having now reviewed the 39-page, thorough Report prepared by Judge Perkin, we discern no error in his reasoning or in his recommendation that the Petition be denied with prejudice and dismissed without an evidentiary hearing for the reasons articulated. The Court further concurs with the recommendation that no certificate of appealability should issue given that Mr. Griffith has failed to make "a substantial showing of the denial of a constitutional right." See, *Slack v. McDaniel*, 529 U.S. 473, 483-484 (2000).

4. The Clerk of Court is DIRECTED to CLOSE this case.

BY THE COURT:

/s/ Juan R. Sanchez

Juan R. Sanchez, C.J.